

**FULL BOARD MEETING MINUTES**  
**of the**  
**MONTANA BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**  
**October 29, 2015 – 8:00 a.m. to 5:00 p.m.**  
**301 S. Park Ave., Helena MT 4<sup>th</sup> Floor Large Conference Room**

**1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:12)**

**Board Members Present:**

Mr. David Elias  
Mr. Ronald Drake  
Mr. Casey Johnston  
Ms. Jane L. Eby  
Mr. Hal Jacobson  
Mr. Wallace Gladstone  
Mr. Byron Stahly

**Board Members Not Present:**

Mr. Ruhul Amin

**Staff Present:**

Mr. Ian Marquand, Executive Officer  
Ms. Graden Hahn, Board Counsel  
Ms. Juanita Kazmierowski, Administrative Specialist

**Public Present:**

Evan Vernon  
Augusta Kickbusch  
Michael Newhouse

**2. Approval and Tentative Modification of Agenda Order (00:00:44)**

**a. Agenda for October 29, 2015**

**MOTION (00:01:28)** Ms. Jane Eby moved to approve the agenda as presented, Mr. Ronald Drake seconded. The motion carried.

**3. Review and Approve Minutes (00:01:43)**

**a. August 5-6, 2015 Open Session Minutes**

**MOTION (00:02:07)** Mr. Ronald Drake moved to approve the open session minutes from August 5-6, 2015, Mr. Byron Stahly seconded. The motion carried.

**b. August 5-6, 2015 Executive Session Minutes (00:02:16)**

**MOTION (00:02:32)** Mr. Ronald Drake moved to approve the executive session minutes from August 5-6, 2015, Ms. Jane Eby seconded. The motion carried.

**c. August 14, 2015 Open Session Minutes (00:02:45)**

**MOTION (00:03:13)** Mr. Ronald Drake moved to approve the open session minutes from August 14, 2015, Mr. Byron Stahly seconded. The motion carried.

**4. Public Opportunity to Comment ( 0 0 : 0 3 : 2 4 )**

(Presiding Officer Statement) "Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting."

**5. Department/Division Report—Mr. Todd Younkin, Business Standards Division Administrator (01:58:40)**

**6. Board Action (00:05:26)**

**a. Applications: Non-Routine Comity (00:13:15)**

**1) Robert Peach, Professional Engineer (00:13:19)**

**MOTION (00:20:47)** Mr. Casey Johnston moved to approve the Non-Routine Application for Robert Peach, Mr. Ronald Drake seconded. The motion carried.

**b. Applications: Non-Routine Exam**

**1) Neil Thompson, Professional Engineer (00:24:12)**

**MOTION (00:37:27)** Ms. Jane Eby moved to deem the Non-Routine Application for Neil Thompson incomplete and direct staff to contact Mr. Luckey for more clarification of his comments on the reference sheet, Mr. Hal Jacobson seconded. Mr. Casey Johnston opposed, the motion failed.

**AMENDED MOTION (00:45:34)** Mr. Casey Johnston moved to table the application for Neil Thompson, and to request more information from the reference in question, Mr. Wallace Gladstone seconded. The motion carried.

**MOTION (00:46:22)** Mr. David Elias moved to invite the application to the next meeting, Mr. Casey Johnston seconded. Mr. Byron Stahly said no. The motion carried.

**2) Michael Newhouse, Land Surveyor Intern (00:09:39)**

**MOTION (00:10:56)** Ms. Jane Eby moved to approve for Michael Newhouse to take the Fundamentals exam, Mr. Wallace Gladstone seconded. The motion carried.

**3) Augusta Kickbusch, Professional Land Surveyor – In Person (00:05:35)**

**MOTION (00:08:05)** Ms. Jane Eby moved to approve Augusta Kickbusch to take the MTL exam and the Principals of Surveying exam, Mr. Wallace Gladstone seconded. The motion carried.

**4) Evan Vernon, Professional Land Surveyor – Via Phone (00:11:37)**

**MOTION (00:12:24)** Ms. Jane Eby moved to approve Evan Vernon to take the MTL and the Principals of Surveyors exam, Mr. Ronald Drake seconded. The motion carried.

**c. Rulemaking (00:54:45)**

**1) Recommendations from Rules Committee re: ARM 24.183.404 & 24.183.2102 (00:54:52)**

**MOTION (01:09:12)** Mr. Casey Johnston moved to send back to the Rules Committee, Ms. Jane Eby seconded. The motion carried

**MOTION (01:17:29)** Mr. Byron Stahly moved that 24.183.2102 with changes to section 3b proceed to rulemaking notice, Ms. Jane Eby seconded. The motion carried.

**2) Proposed amendments to ARM 24.101.413 re: Emeritus Status & exemptions from renewal (01:17:54)**

**MOTION (01:23:43)** Mr. Casey Johnston moved to concur with the Department and proceed to rulemaking notice, Ms. Jane Eby seconded. The motion carried.

**3) SB 139 analysis of small business impacts (if any) (01:24:20)**

**MOTION (01:26:47)** Ms. Jane Eby moved that on 24.183.2102 and 24.101.413 there will be no direct and/or significant impact on small business in Montana, Mr. Byron Stahly seconded. The motion carried.

**4) Board assignments for Rules Committee (01:33:25)**

**d. Continuing Education Audit Report (2014 Renewal Period) (01:34:29)**

**e. Examination Development—Ms. Jane Eby (01:41:09) Executive Session**

**1) Montana Land Surveyor Exam (MLSE) administration dates**

**2) Memorandum of understanding for administering/grading MT Land Surveyor Exam**

**Return to Open Session (01:42:43)**

Board Chair reported that in Executive Session we discussed the elements of the Montana specific test for Montana Law and surveying and there will be a motion offered as a result.

**MOTION (01:43:37)** Ms. Jane Eby moved to have the exam committee become a standing committee and to work with Board Counsel to work out an MOU in grading the MTL exam and an MOU in proctoring the MTL exam with Flathead Valley Community College , withdraws motion.

**AMENDED MOTION (01:44:18)** Ms. Jane Eby moved that the exam committee work with Board Counsel to work out an MOU in grading the MTL exam and an MOU in proctoring the MTL exam with Flathead Valley Community College and the testing center located at Flathead Valley Community College, Mr. Wallace Gladstone seconded. The motion carried.

**MOTION (01:45:06)** Ms. Jane Eby moved to make the exam committee a standing committee, Mr. Wallace Gladstone seconded. The motion carried.

**f. Scheduling of next meetings (01:51:06)**

- 1) February 4-5, 2016
- 2) 2016 meeting calendar

**g. Election of officers (02:31:27)**

**1) Presiding Officer (02:31:33)**

**(02:50:20)** Mr. David Elias stated that Mr. Byron Stahly be appointed to Presiding Officer.

**2) Vice-Presiding Officer (02:51:18)**

**MOTION (02:51:28)** Mr. David Elias moved that nominations be closed, Mr. Hal Jacobson seconded. The motion carried.

**MOTION (02:52:39)** Mr. David Elias moved that Ms. Jane Eby be appointed to Vice-Presiding Officer by acclamation, all in favor. The motion carried.

**MOTION (02:54:31)** Mr. Casey Johnston moved that nominations be closed for Secretary, Ms. Jane Eby seconded. The motion carried.

**MOTION (02:55:20)** Mr. Casey Johnston moved that Mr. Wallace Gladstone be appointed to Secretary by acclamation, all in favor. The motion carried.

**7. Board Correspondence (02:57:31)**

**a. E-mail from Steven Torpey re: experience qualifications for PE (02:57:38)**

**MOTION (03:08:11)** Mr. Wallace Gladstone moved to adopt the recommendation of the Rules Committee and make it the Board's response, Mr. Ronald Drake seconded. The motion carried.

**b. E-mail from Steven Hyde re: Montana LS exam (03:09:10)**

**MOTION (03:09:57)** Mr. Casey Johnston moved that the Board thank Steven Hyde for his inquiry, Mr. Wallace Gladstone seconded. The motion carried.

**c. E-mail from B.J. Cope re: local government exam and fee for engineers (03:10:56)**

**MOTION (03:27:32)** Mr. David Elias moved to task Board Counsel to make inquiries in ascertaining the background of this issue, Mr. Ronald Drake seconded.

**AMENDED MOTION (03:28:10)** Mr. David Elias moved to add; upon conclusion of letter if necessary send a letter of instruction to Missoula County, Mr. Ronald Drake seconded.

**AMENDED MOTION (03:30:22)** Mr. David Elias moved to add; but that letter must be approved by the Board before it is sent.

**AMENDED MOTION (03:31:22)** Mr. David Elias moved to add; but that the letter must be approved by the Board Chair before it is sent. The motion carried.

**8. Reports from Board Committees & Organizations (03:33:20)**

**a. Rules Committee (03:33:24)**

**b. Curriculum Review Committee (03:35:23)**

**MOTION (03:38:53)** Mr. David Elias moved to task the Rules Committee and Legal Counsel the make the changes in the curriculum as it pertains to the Rules, Ms. Jane Eby seconded. The motion carried.

**MOTION (03:45:41)** Mr. David Elias moved to task Mr. Ian Marquand and board members who were in attendance of this meeting to draft a letter of thanks stating how successful and cooperative the meeting was; sending it to Jerry Stevens at MSU, and copying to the Commissioner of Department of Labor asking them to forward it to the Commissioner of Higher Education, Mr. Casey Johnston seconded. The motion carried.

**c. Report from NCEES Annual Meeting (03:54:33)**

**d. NCEES reports & communications (04:25:24)**

**9. Executive Officer Report—Mr. Ian Marquand (04:25:59)**

**a. Budget Report (04:26:04)**

**b. BSD Staff Update (04:34:28)**

**c. Application Report (04:33:08)**

**10. Legal Report (04:39:42)**

**11. Adjourn (04:44:58)**